

Notice of Allowability

Application No.

10/783,407

Examiner

Marc S. Zimmer

Applicant(s)

DAHLMANN ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/19/07 and the interview conducted 08/13/07.
2. ☒ The allowed claim(s) is/are 1-7 and 9-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Silverman on August 13, 2007.

The application has been amended as follows:

Please cancel claims 12, 15, and 16.

Applicant was asked whether they would be amenable to canceling claims 12, 15, and 16, earlier restricted, to expedite allowance of the case. Cancellation of these claims by Examiner's amendment was authorized.

Claim Rejections - 35 USC § 112

The rejections of claims 1-11 under 35 U.S.C. 112, first paragraph are hereby withdrawn in view of Applicant's remarks/amendments. The present Examiner agrees that the rejection was predicated on Applicant's typographical error in referencing the formula associated with the structure of the inventive corrosion/gas hydrate inhibitor in paragraph [0053]. Applicant has satisfactorily addressed this matter.

Concerning the rejections formulated under 35 U.S.C. 112, second paragraph, it is acknowledged that Applicant has removed mention of the variable "M". The present

Examiner does not see any particular problem with Applicant's definition of the variable "D". Therefore, these rejections are, likewise, withdrawn.

Allowable Subject Matter

In an updated/modified survey of the prior art, the Examiner encountered U.S. Patent Application Publication No. 2005/0085396, which teaches compounds identical to some of those embraced by Applicant's claims. However, the Examiner would have been required to rely upon the provisional filing date mentioned on the cover sheet of this document and, in checking the contents of that disclosure, it was discovered that it was not enabling for the anticipatory subject matter of the '396 publication. That is to say, '396 does not represent prior art.

Another noteworthy disclosure is that of Klomp, U.S. patent # 6,214,091 that teaches compounds for inhibiting gas hydrate formation that share many of the same structural attributes featured in Applicant's inhibitor compounds but they are not equivalent and the prior art doesn't motivate the modifications of those compounds necessary for the reference to represent a foundation for holding the claims as unpatentable.

The Examiner also noted a few disclosures having inventors in common that taught structurally similar inhibitors but, again, these references either were unavailable as prior art or failed to render obvious the claims.

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Insofar as the references made of record appear to represent the closest prior art known but fail to render the claims unpatentable, claims 1-7 and 9-11 are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

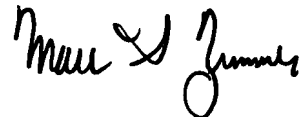
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 10, 2007

A handwritten signature in black ink, appearing to read "Marc S. Zimmer".

MARC S. ZIMMER
PRIMARY EXAMINER